

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LAMAR L. ZAMICIELI : CIVIL ACTION
v. :
MOONEY, *et al.* : NO. 16-6325
: :

ORDER

AND NOW this 5th day of October 2017, upon independent review of United States Magistrate Judge Marilyn Heffley's September 19, 2017 Report and Recommendation (ECF Doc. No. 21) recommending a denial of the Petitioner's untimely Petition for writ of *habeas corpus* under 28 U.S.C. § 2254 (ECF Doc. No. 1), Petitioner's Objections (ECF Doc. No. 24), and finding no good faith evidentiary basis to except this Petition from the one-year limitations period based on equitable tolling, it is ORDERED:

1. We **ADOPT and APPROVE** United States Magistrate Judge Heffley's September 19, 2017 Report and Recommendation (ECF Doc. No. 21);
2. Mr. Zamichieli's Petition for writ of *habeas corpus* (ECF Doc. No. 1) is **DISMISSED**;
3. There is no good faith basis for a certificate of appealability; and,
4. The Clerk of Court shall **close** this case.



KEARNEY J.